



Austin City Council
MINUTES

REGULAR MEETING
THURSDAY, DECEMBER 6, 2001

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed.

The City Council of Austin, Texas, convened in a regular meeting on Thursday, December 6, 2001 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

INVOCATION – Dr. Davidson Loehr, Pastor, First Unitarian Universalist Church

Mayor Garcia called the meeting to order at 10:07 a.m.

1. Approval of minutes for regular meeting of November 29, 2001.
The minutes for the regular meeting of November 29, 2001 were approved on Council Member Thomas' motion, Council Member Wynn's second by a 5-0 vote. Mayor Pro Tem Goodman and Council Member Slusher were off the dais.

Item 2 was a briefing

3. Briefing on proposed amendment to Brackenridge Hospital Lease regarding Reproductive Health Services.
This item was postponed indefinitely.

Items 4 and 5 were briefings.

Items 6 through 8 were Executive Session items.

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Wynn's motion, Council Member Alvarez' second by a 7-0 vote.

Items 9 through 11 were pulled for discussion.

Item 12 was pulled because action could not be taken until after item 43 and after the Austin Housing Finance Corporation meeting.

Item 13 was approved on the consent agenda but was reconsidered later in the meeting.

14. Approve a resolution authorizing negotiation and execution of a contract with John Hall, in an amount not to exceed \$75,000, and Clay Pope, in the amount not to exceed \$90,000, to provide state representational services for the Water and Wastewater utility and the Solid Waste Services Department for the calendar year 2002. (Funding was included in the Fiscal Year 2001-2002 Operating Budgets of the Water and Wastewater Utility Department and the Solid Waste Services Department. Each Department will provide 50% of the funding.)
Resolution No. 011206-14 was approved.
15. Adopt a resolution amending the Personnel Policies to add a Military Pay Supplement for qualified employees called to active duty. (Funding is available in Fiscal Year 2001-2002 approved departmental budgets.)
Resolution No. 011206-15 was approved.
16. Adopt a resolution amending the Personnel Policies to enhance vacation leave. (Funding is available in the fiscal year 2001-2002 Operating Budgets of City departments.)
Resolution No. 011206-16 was approved.
17. C14-01-0121 - Approve second/third readings amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6401 River Place Blvd. (West Bull Creek Watershed) from DR, Development Reserve district, zoning to NO-CO, Neighborhood Office-Conditional Overlay Combining district, zoning with conditions. First reading on October 11, 2001; Vote: 7-0. Conditions met as follows: The conditional overlay and a restrictive covenant incorporate the conditions imposed or accepted by Council at first reading. Applicant: Austin Christian Fellowship (Andrew Linseisen). Agent: Lopez-Phelps and Vaughn (Amelia Lopez-Phelps). City Staff: Glenn Rhoades, 499-2775.
Ordinance No. 011206-17 was approved.
18. C14H-01-0104 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 10140 Old San Antonio Road (Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to GR-MU-H-CO, Community Commercial-Mixed Use-Historic-Conditional Overlay Combining district, zoning with conditions for Tract 1 and GR-CO, Community Commercial-Conditional Overlay Combining district, zoning with conditions for Tract 2. First Reading on October 11, 2001; Vote: 7-0. Conditions met as follows: The conditional overlay and a restrictive covenant incorporates the conditions imposed or accepted by Council at first reading. Applicant and Property Owner: Michael R. Aulick and Rebecca A. McGaughy. Agent: The Austin Company (Peter Von Wuperfeld). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 011206-18 was approved.
19. Approve a resolution authorizing execution of a construction contract with JORDAN-WHITFIELD, Inc., Austin, Texas, for accessibility improvements (ADA) at five park restroom/shelter buildings (Shipe, Comal, N.E. District, Brentwood & Ramsey) in the amount not to exceed \$ 134,600. (Funding was included in the 2001-2002 Approved Capital Budget of the Parks and Recreation Department.) Lowest of four bids received. 25.26% MBE, 1.91% WBE subcontracting participation.
Resolution No. 011206-19 was approved.
20. Approve a resolution authorizing payment to the TEXAS DEPARTMENT OF TRANSPORTATION for the City's 10% participation of the right-of-way acquisition for the U.S. Highway 290 Project, from R.M. 1826 to Brodie Lane, in accordance with the June 27, 1986 Agreement for Right-of-Way Procurement, in the amount of \$57,290. (Funding is available in the 2000-2001 Amended Capital Budget of the Department of Public Works.)
Resolution No. 011206-20 was approved.

21. Approve a resolution authorizing payment to the TEXAS DEPARTMENT OF TRANSPORTATION for the City's 10% participation of the right-of-way acquisition for the U.S. Highway 183 Project, from R.M. 620 to north of Lakeline Boulevard, in accordance with the June 27, 1986 Agreement for Right-of-Way Procurement, in the amount of \$575,000. (Funding is available in the 1999-2000 Amended Capital Budget of the Department of Public Works.)
Resolution No. 011206-21 was approved.
22. Approve a resolution authorizing negotiation and execution of a thirty-six month lease renewal of approximately 3,176 square feet of office space located at 4930 South Congress Avenue, Suite C 302, from CONGRESS 25 LIMITED PARTNERSHIP, Austin, Texas, for use by the Austin Police Department, in an amount not to exceed \$114,336. (Funding in the amount of \$21,120.40 is available in the Fiscal Year 2001-2002 Operating Budget of the Austin Police Department. Funding for the remaining twenty-nine months of the original contract period is contingent upon available funding in future budgets.)
Resolution No. 011206-22 was approved.
23. Approve a resolution authorizing execution of a construction contract with SMITH CONTRACTING, Austin, Texas, for Shoal Creek Hike & Bike Trail Improvements, located north of Town Lake between Cesar Chavez and West Avenue, in the amount of \$242,948. (Funding is included in the 2001-02 Capital Budget of the Transportation Planning & Sustainability.) Lowest bid of the eight bids received. 16.04% MBE, 10.66% WBE subcontracting participation.
Resolution No. 011206-23 was approved.
24. Approve a resolution authorizing negotiation and execution of a settlement claim brought by AUSTIN BRIDGE & ROAD, Austin, Texas, for utility delays and construction plan errors on the Loyola Lane Paving and Drainage Improvements - Phase 1 Project, in the amount of \$142,205. (Funding is available in the 2000- 2001 Amended Capital Budget of the Transportation, Planning & Sustainability Department.
Resolution No. 011206-24 was approved.
25. Approve a resolution authorizing execution of a construction contract with MARTIN K. EBY CONSTRUCTION CO., INC., Austin, Texas, for the New City Hall Parking Garage Structure, in an amount not to exceed \$5,895,000. (Funding is included in the 2000-2001 Amended Capital Budget of the Department of Public Works.) Lowest of the eleven bids received. 5.28% MBE, 14.69% WBE subcontracting participation.
Resolution No. 011206-25 was approved.
26. Approve a resolution authorizing execution of a contract with HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM, Houston, Texas, for the purchase of laptop terminals to be used in EMS ambulances and command vehicles in an amount not to exceed \$47,475. (Funding is included in the 2001-2001 Operating Budget of the Emergency Medical Services (EMS) Department.)
Resolution No. 011206-26 was approved.
27. Approve a resolution authorizing execution of a 12-month service agreement with ROY'S TAXI, INC., (MBE-MH, 100%), Austin, Texas, to provide voucher taxi services for the Primary Care Department, Austin/Travis County Health and Human Services Department and the Austin Police Department in an amount not to exceed \$20,725 with two 12-month extension options in an amount not to exceed \$20,725 per extension for a total contract amount not to exceed \$62,175. (Funding in the amount of \$8,786 was included in the 2001-2002 Approved Operating Budget for Primary Care Department, \$5,654 was included

in the 2001-2002 Approved Operating Budget for the Health and Human Services Department and \$720 was included in the 2001-2002 Approved Operating Budget for Austin Police Department. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets.) Sole Bid. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established for this solicitation.

Resolution No. 011206-27 was approved.

28. Approve a resolution authorizing execution of a six month supply agreement with BAKER & TAYLOR, INC., Charlotte, NC, for adult and juvenile books in an amount not to exceed \$922,973.50. (Funding in the amount of \$722,915 was included in the 2001-2002 Approved Operating Budget of the Library Department and \$200,058 was included in the 2000-2001 Approved Capital Budget of the Library Department.) Low bid meeting specification /four bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established for this solicitation.

Resolution No. 011206-28 was approved.

29. Approve a resolution authorizing execution of a 12-month supply agreement with GT DISTRIBUTORS, Austin, Texas, for the purchase of flashlights and flashlight parts for the Austin Police Department in an amount not to exceed \$33,986.75 with two 12-month extension options in amounts not to exceed \$33,986.75 per extension for a total contract amount not to exceed \$101,960.25. (Funding in the amount of \$28,322.29 was included in the 2001-2002 Approved Operating Budget of the Austin Police Department. Funding for the remaining two months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid meeting specification of seventeen bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

Resolution No. 011206-29 was approved.

30. Approve a resolution authorizing execution of a 12-month supply agreement with TEXAS INDUSTRIES, Austin, Texas, for the purchase of topdressing sand in an amount not to exceed \$44,775.50 with two 12-month extension options in an amount not to exceed \$44,775.50 per extension for a total contract amount not to exceed \$134,326.50. (Funding in the amount of \$37,312.90 was included in the 2001-2002 Approved Operating Budget of the Parks and Recreation Department. Funding for the remaining two months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid/three bids received. This contract will be awarded in compliance with the 1996 M/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

Resolution No. 011206-30 was approved.

31. Approve a resolution authorizing execution of a 12-month supply agreement with LONE STAR READY MIX, Austin, Texas, for the purchase of pre-mixed concrete in an amount not to exceed \$43,600 with two 12-month extension options in an amount not to exceed \$43,600 per extension for a total contract amount not to exceed \$130,800. (Funding in the amount of \$39,967 was included in the 2001-2002 Approved Operating Budget of the Parks and Recreation Department. Funding for the remaining one month of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid/six bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

Resolution No. 011206-31 was approved.

32. Approve a resolution authorizing negotiation and execution of a contract with BAKER TANK CO., Arp, Texas, for the purchase of four shop fabricated tanks for the Sand Hill Energy Center in an amount not to exceed \$53,218. (Funding is available in the 2001-2002 Approved Capital Budget for the Electric Utility Department.) Only Proposal. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore no 1996 MBE/WBE goals were established for this solicitation. This contract is for a commodity purchase, with direct delivery by the manufacturer.

Resolution No. 011206-32 was approved.

33. Approve a resolution authorizing execution of a contract with YUBA HEAT TRANSFER, Tulsa, OK, for the purchase of two closed cooling water exchangers with accessories, to be used at the Sand Hill Energy Center, in an amount not to exceed \$655,540. (Funding is available in the 2001-2002 Approved Capital Budget for the Electric Utility Department.) Best evaluated proposal/three proposals received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. This is a commodity contract with direct delivery manufacturer. No subcontracting opportunities were identified; therefore, no MBE/WBE goals were established for this solicitation.

Resolution No. 011206-33 was approved.

34. Approve a resolution authorizing negotiation and execution of a contract with DELTA-UNIBUS, c/o Alsworth, Inc., San Antonio, Texas, for the purchase of isolated phase bus duct in an amount not to exceed \$582,430, with the option to purchase additional bus duct in an amount not to exceed \$240,731, for a total contract amount not to exceed \$823,161. (Funding in the amount of \$582,430 is available in the 2001-2002 Approved Capital Budget for the Electric Utility Department.) Best Evaluated Proposer of 3 Proposals Received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore no MBE/WBE goals were established for this solicitation. This contract is for a commodity purchase, with direct delivery by the manufacturer.

Resolution No. 011206-34 was approved.

35. Approve a resolution authorizing execution of a 12-month service agreement with AAA FIRE & SAFETY EQUIPMENT CO., INC., Austin, Texas, for fire extinguishers, recharge, repair parts and services in an amount not to exceed \$56,332 with two 12-month extension options including a 5% escalation factor per extension option, in an amount not to exceed \$59,148.60 and \$62,106.03, respectively, for a total contract amount not to exceed \$177,586.63. (Funding in the amount of \$46,943 was included in the 2001-2002 Amended Operating Budget for various City Departments. Funding for the remaining two months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bidder/two bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. The recommended awardee will provide these services directly to the City. There is no opportunity for subcontracting, therefore, no goals were established for this solicitation.

Resolution No. 011206-35 was approved.

36. Approve a resolution authorizing execution of a 12-month supply agreement with CAPITAL AGGREGATES LTD, Austin, Texas, to provide aggregate materials for the Water and Wastewater Utility, in an amount not to exceed \$174,059 with two 12-month extension options in an amount not to exceed \$174,059 per extension, for a total contract amount not to exceed \$522,177. (Funding in the amount of \$159,554.08 is available in the 2001-2002 Approved Operating Budget of the Water and Wastewater Utility. Funding

for the remaining one month of the original contract period and extension options will be contingent upon available funding in future budgets.) Sole bidder. This contract will be awarded in compliance with the MBE/WBE Ordinance. This is a product that will be provided directly by the vendor. There are no subcontracting opportunities, therefore, no goals were established for this solicitation.

Resolution No. 011206-36 was approved.

Item 37 was pulled for discussion.

38. Approve a resolution to contract with TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED (TIBH), Austin, Texas, to provide temporary clerical personnel services for City departments in the amount not to exceed \$300,000 with two 12-month extension options in the amount not to exceed \$300,000 each extension for a total contract amount not to exceed \$900,000. (Funding in the amount of \$237,500 is available in the 2001-2002 Operating Budgets of the user departments. Funding for the remaining months of the contract will be contingent upon funding available in future budgets.)

Resolution No. 011206-38 was approved.

39. Approve a resolution authorizing negotiation and execution of a nine-month contract with STROUDWATER NHG, South Portland, Maine 04106, for the development of an HIV Comprehensive Needs Assessment and Plan under the Ryan White Title I HIV Emergency Care grant in the amount not to exceed \$149,960. (Funding is available in the Health and Human Services Department Special Revenue Fund Ryan White Title I HIV Emergency Care grant program.) Second ranked proposal/three proposals received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

Resolution No. 011206-39 was approved.

40. Approve a resolution authorizing execution of two service agreements with INTERNATIONAL BUSINESS MACHINES (IBM), Austin, Texas,: 1) for hardware maintenance of the City's IBM 9672 mainframe computer system in an amount not to exceed \$212,982 with three 12-month extension options in amounts not to exceed \$321,179, \$353,297 and \$388,626 for a total contract amount not to exceed \$1,276,084; and 2) for software licensing of the City's IBM 9672 mainframe computer system in an amount not to exceed \$424,896 with three 12-month extension options in amounts not to exceed \$467,385.60, \$514,124.16 and \$565,536.57 respectively for a total contract amount not to exceed \$1,971,942.33. (Funding in the amount of \$637,878. is included in the 2001-2002 Approved Operating Budget for the Information Systems Department. Funding for the extension options is contingent upon available funding in future budgets.) Sole Source. IBM is the sole provider of this specific software licensing and hardware maintenance due to proprietary licensing and required compatibility of parts and services with existing mainframes. This contract will be awarded in compliance with the 1996 M/WBE Ordinance. No subcontracting opportunities were identified therefore, no goals were established.

Resolution No. 011206-40 was approved.

41. Approve a resolution authorizing execution of an interlocal agreement with the UNIVERSITY OF TEXAS AT AUSTIN GRADUATE SCHOOL OF HEALTH AND KINESIOLOGY, Austin, Texas, to perform a 14-week research and development project to evaluate the effect of a remedial strength training program for candidates for the Austin Fire Department Training Academy, in an amount not to exceed \$30,000 with two 12-month extension options in an amount not to exceed \$30,000 per extension for a total contract amount not to exceed \$90,000. (Funding in the amount of \$30,000 was included

in the Fiscal Year 2001-2002 Operating Budget of the Fire Department. Funding for the extension options is contingent upon available funding in future budgets.)

Resolution No. 011206-41 was approved.

42. Approve a resolution authorizing execution of a Letter of Agreement between the City of Austin, the TEXAS ASSOCIATION OF COMMUNITY HEALTH CENTER, INC. (TACHC), Austin, Texas, and CARDINAL HEALTH, Dublin, Ohio, to participate in a TACHC 12-month supply contract with Cardinal Health, to provide pharmaceutical products for the Primary Care Department in an amount not to exceed \$5,300,000. (Funding in the amount of \$3,795,000 was included in the 2001-2002 Federally Qualified Health Center Special Revenue Fund. \$671,970 was included in the Travis County Reimbursed Special Revenue fund and \$504,000 was included in the 2001-2002 David Powell Clinic Budget.

Resolution No. 011206-42 was approved.

Item 43 was pulled for discussion.

44. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement with the TEXAS DEPARTMENT OF TRANSPORTATION for the Pleasant Valley Road bicycle facility Phase I grant awarded by the Surface Transportation Program (4C) of the Transportation Equity Act for the 21st Century (TEA-21) in the amount of \$366,919. (Funding is available in the Fiscal Year 2001-2002 Amended Capital Budget of the Transportation, Planning and Sustainability Department.)

Resolution No. 011206-44 was approved.

45. Approve a resolution amending the City's Municipal Annexation Plan to include the Anderson Mill Road annexation area (approximately 183 acres along Anderson Mill Road approximately 2/3 of a mile east of the intersection of Anderson Mill Road and FM 620). (Including an area in the Municipal Annexation Plan does not create an obligation to annex an area and does not have a fiscal impact. It begins a three-year process that may lead to annexation. An all funds analysis will be conducted as part of the Anderson Mill MUD annexation.)

Resolution No. 011206-45 was approved.

46. Consider amending Ordinance No. 010927-63 reimbursing or waiving development fees for AUSTIN LOFTS, L.P., a development project located at 800 W. 5th Street under the Smart Growth Matrix in an amount not to exceed \$202,747; waiving the requirements to provide structural water quality controls, and authorizing the negotiation and execution of all agreements with Austin Lofts, L.P., for the reimbursement of costs associated with the construction of streetscape and infrastructure improvements in accordance with the Great Streets Master Plan in an amount not to exceed \$79,000. (The amount of \$202,747 in estimated future waivers or reimbursement of fees: \$79,724 of development review and permit fees, and fees in lieu of structural controls in the Watershed Protection and Development Review Department; \$92,280 in temporary use of right-of-way in the Transportation, Planning and Sustainability Department; \$5,048 in license agreement and inspection fees in the Public Works Department; \$25,695 of capital recovery, tap and inspection fees in the Water and Wastewater Utility Department; \$79,000 in streetscape and infrastructure improvements. \$79,000 is available in the 2000-2001 Amended Capital Budget of the Transportation, Planning and Sustainability Department.)

Ordinance No. 011206-46 was approved.

47. Amend an ordinance reimbursing or waiving development fees and payments for GUERRERO-MC DONALD & ASSOCIATES, INC., for a development project located at 1701 Lavaca Street for an amount not to exceed \$313,187 to correctly reflect the Request

for Council Action submitted on September 27, 2001 under the Smart Growth Matrix program. (Total amount of funding \$313,187 in estimated future waivers or reimbursements of fees: \$43,474 of development review and permits, and fees in lieu of structural controls in the Watershed Protection and Development; \$240,884 in temporary use of right-of-way fees in the Transportation, Planning and Sustainability Department; \$3,792 in license agreement and construction inspection fees in the Public Works Department; \$25,037 of capital recovery, tap and inspection fees in the Water and Wastewater Utility Department.

Ordinance No. 011206-47 was approved.

Items 48 and 49 were pulled because action could not be taken until after Austin Housing Finance Corporation meeting.

50. Set a public hearing to consider an ordinance granting an exception for American Retirement Corporation to allow for dedicated right-of-way to be included in the on-site impervious cover calculations for their property at 1034 Liberty Park Drive. (Suggested Date and Time: December 13, 2001 at 6:00 p.m.)

This item was removed from the agenda.

51. Adopt an ordinance appointing municipal judges and establishing their compensation, amending Chapter 2-5 of the City Code by adding a new section 2-5-10 relating to the presiding judge and a new section 2-5-3 relating to the Council judicial committee, and appointing members of the judicial committee. (Mayor Gus Garcia, Mayor Pro Tem Jackie Goodman and Council Member Will Wynn)

Ordinance No. 011206-51 was approved.

52. Approve a resolution creating a Task Force to devise recommendations on how the glass recycling component of the Sixth Street Recycles Program can be resumed and make recommendations to the City Council by March 1, 2002. (Council Member Daryl Slusher, Mayor Gus Garcia and Council Member Will Wynn)

Resolution No. 011206-52 was approved.

Items 53 through 57 were citizen communications.

58. Approve an ordinance authorizing the issuance of approximately \$82,305,000 City of Austin, Texas, Electric System Revenue Refunding Bonds, Series 2001B, including approval and authorization of all related documents pertaining thereto. (The amount of \$1,629,293 estimated in the first year debt service requirement and \$600 annual fee for the paying agent/registrar was included in the 2001-2002 Approved Budget of the Utility Revenue Bond Redemption Fund.) (Related Item No. 59)

This item was postponed indefinitely.

59. Amend Ordinance 010910-01, the Approved 2001-2002 Debt Management Fund Budget for the Electric Utility Department by increasing expenditures \$2,200,000 for the defeasance of certain outstanding Combined Utility System Revenue Bonds. Decrease the ending balance by \$2,200,000. (Approximately \$2,200,000 from the Electric Utility Department Debt Management Fund.) (Related Item No. 58)

This item was postponed indefinitely.

Items Z-1 through Z-3 were zoning items.

Items 60 through 63 were zoning related items.

Item 64 was a public hearing

Item 65 was an action item related to the public hearing

Item 66 was an Executive Session item.

Item 67 was a citizen communication speaker.

DISCUSSION ITEMS

37. Approve a resolution for amendment No. 1 to exercise the first 12-month extension option to the service agreement with WASTE MANAGEMENT OF TEXAS, Austin, Texas, to provide roll-off container and disposal service for grit and screenings from wastewater treatment plants for the Water and Wastewater Utility, in an amount not to exceed \$110,694 for a total contract amount not to exceed \$332,082. (Funding in the amount of \$83,020 is available in the 2001-2002 Approved Operating Budget of the Water and Wastewater Utility. Funding for the three remaining months of the extension option will be contingent upon available funding in the future budget.) This contract was awarded in compliance with the 1996 MBE/WBE Ordinance as amended. No goals were established for this contract.

The motion to postpone this item to December 13, 2001 was approved on Council Member Thomas' motion, Council Member Wynn's second by a 7-0 vote.

11. Approve a resolution authorizing negotiation and execution of various SOUTH TEXAS PROJECT agreements, including a revised Operating Agreement, separate amended Generation Participation and Transmission Facilities Participation Agreements, a new South Texas Project Interconnection Agreement, and amended Switchyard and Transmission Lines Maintenance Agreements, as well as any other related agreements, including easements, that may be necessary to divide the property and equipment of the South Texas Project into generation and transmission assets as required by the electric restructuring legislation enacted in 1999 (S.B.7).

Resolution No. 011206-11 was approved for negotiation only on Council Member Slusher's motion, Council Member Griffith's second by a 7-0 vote.

The meeting was recessed at 10:39 a.m. to go into Executive Session.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

6. Discuss legal issues related to *Hyde Park Baptist Church v. City of Austin, et al.*, CA# A 01CA 212 JN, in the United States District Court, Western District of Texas, Austin Division.

No discussion was held on this item.

7. Discuss issues concerning deployment and implementation of security personnel and devices.

8. Discuss long term power generation issues.

Executive session ended and Mayor Garcia called the meeting back to order at 1:31 p.m.

CITIZEN COMMUNICATIONS

53. Gus Pena - (1) To work together in an inclusive manner to resolve Austin residents need and concerns. (2) To continue the aggressive push for low income affordable housing, transitional housing, and affordable housing as a whole. (3) Do not make any cuts that would adversely impact the senior citizen programs, youth programs, or any cuts that will affect the poor and have nots. Gus Garcia make this an inclusive process for all. - **ABSENT**
54. Jennifer Gale - Jennifer Gale's Charter Amendment Initiative For Thirty-Two Single Council Member Districts And CEO Mayor Sitting On 65 Boards And Commissions.
55. Mark Lind - Traffic Calming
56. Girard Kinney, A.I.A. - CNA Traffic Calming + Sign Ordinance
57. Jose Quintero - Neighborhood Plan is not a Neighborhood Plan because people who live in the neighborhood were left out. - **ABSENT**
67. Rev. J. R. Williams - **ABSENT**

DISCUSSION ITEMS CONTINUED

43. Approve an ordinance to annex the Nowotny Tract for full purposes (approximately 49 acres located in southwestern Travis County east of FM 1826 at Twilight Terrace Drive and Twilight Mesa Drive). (Estimated property tax revenue of \$4,000 in Fiscal Year 2002-2003.) (Second and third reading).
The motion to postpone this item to December 13, 2001 was approved on Council Member Wynn's motion, Council Member Griffith's second by a 7-0 vote.
9. Consider and possible action to adopt a City Council meeting schedule for the Year 2002. Resolution No. 011206-09 was approved adopting the schedule proposed by the City Council with the following friendly amendment on Council Member Slusher's motion, Mayor Garcia's second by a 7-0 vote. The friendly amendment from Council Member Alvarez was to delete June 20, 2002 from the meeting dates and add it to the canceled dates. The friendly amendment from Mayor Garcia was to add work sessions to each week that has a Thursday Council Meeting scheduled, that would run from 10:00 a.m. to noon on Wednesday. There was a friendly amendment from Council Member Alvarez that work sessions begin on January 9, 2002. These friendly amendments were accepted by the maker of the motion and Mayor Garcia, who seconded the motion.
10. C14-01-0061 - Dawson Neighborhood Plan - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property bounded on the north by Oltorf Street, on the east by South Congress Avenue, on the south by Ben White Blvd., and on the west by South 1st Street (East Bouldin Creek Watershed), To add a NP, Neighborhood Plan Combining District (NPCD) to each base district zoning district within the entire area; To permit a neighborhood mixed use building special use for 26 Tracts (1-6, 9-15, 17-18, 21-28, and 30-32); and To change the base zoning districts on 31 tracts of land: from: SF-3, Family Residence district, MF-2, Multifamily Residence Low Density district, MF-3, Multifamily Residence Medium Density district, MF-4, Multifamily Residence Moderate-High Density district, LO, Limited Office district, LR, Neighborhood Commercial district, GR, Community Commercial district, GR-CO, Community Commercial-Conditional Overlay Combining district, W/LO, Warehouse-Limited Office district, CS, General Commercial Services district, CS-1, Commercial-Liquor Sales district, LI, Limited Industrial Services district zoning to SF-3-NP, Family Residence-Neighborhood Plan Combining district, MF-2-NP, Multifamily Residence Low Density-Neighborhood Plan Combining district, MF-3-NP, Multifamily Residence Medium

Density-Neighborhood Plan Combining district, LO-CO- NP, Limited Office-Conditional Overlay-Neighborhood Plan Combining district, LR-CO- NP, Neighborhood Commercial-Conditional Overlay-Neighborhood Plan Combining district, GR-CO-NP, Community Commercial-Conditional Overlay-Neighborhood Plan Combining district, CS-CO-NP, General Commercial Services-Conditional Overlay-Neighborhood Plan Combining district, CS-1-CO-NP, Commercial-Liquor Sales-Conditional Overlay- Neighborhood Plan Combining district, LI-CO-NP, Limited Industrial Services-Conditional Overlay-Neighborhood Plan Combining district zoning, P-NP, Public-Neighborhood Plan Combining district. First reading on July 19, 2001; Vote: 6-0, Watson absent. Second reading on August 30, 2001; Vote: 7-0. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council at second reading. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Sue K. Hounsel, 974-6564 and Adam Smith, 974-2755. Note: Valid petitions have been filed by property owners in opposition to this rezoning request. (continued from 10/4/01, 10/11/01 and 11/1/01)

Ordinance No. 011206-10 was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second by a 7-0 vote. The following motions were approved and are a part of the ordinance but were voted on separately, as shown below:

The motion to rezone Tract 20 200 Pickle Road from SF-3, W/LO and LI and 0 Congress Avenue S (Block 1, Fortview Addition) from SF-3 and CS to P, Public-NP was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The motion to rezone Tract 3501 S. 1st Street, 517 and 519 Lightsey Road from LR to MF-3-NP, Tract 8 400 Alpine from MF-4 to MF-2-NP, Tract 16 200 Lessin Lane from MF-3 to SF-3-NP and Tract 29 2536 S. Congress from GR to MF-3-NP was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The motion to add Secondary Apartments and Neighborhood Mixed Use Buildings to the ordinance was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The motion to prohibit pawnshops and add conditional uses of adult oriented business; general and limited warehousing and distribution; basic industry; maintenance and service facilities; electronic prototype assembly; drive-in services; and service stations to Tracts 2 (2715 S. 1st St), 4, 5, 6 (513, 515, and 520 Lightsey), 11, 12 (3907 Wadford), 14 (0, 3801 and 3805 Wadford), and 22-30 and 32 was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

The motion to prohibit pawnshops and add conditional adult oriented business; general and limited warehousing and distribution; basic industry; maintenance and service facilities; electronic prototype assembly; drive-in services; and service stations (except HEB, which is located on Tract 31, and Texaco (Tract 12) on South Congress and Ben White). The tracts included in this motion are as follows:

Tract 1 – 2607 S. 1st Street; 2613 S. 1st Street; and 2617 S. 1st Street.

Tract 2 – 2701, 2707, and 2709 S. 1st Street.

Tract 3 – 2901 S. 1st Street and 2907 S. 1st Street.

Tract 6 – 516 Lightsey.

Tract 12 – 3906 S. Congress (current use exempted from CO); and 3900 S. Congress.

Tract 13 – 3813 Wadford Street.

Tract 14 – 0 Congress, 3820 S. Congress, 3842 S. Congress; and 3822 S. Congress.

Tract 15 – 3808 S. Congress and 203 Lessin Lane (existing use is on CO list-warehouse on portion of lot).

Tract 17 – 1101 Lessin Lane and 3716 S. Congress.

Tract 18 – 3632 S. Congress; 121 Pickle (existing use is on CO list-warehouse); and 3630 S. Congress (existing use on CO list).

Tract 21 – 3600 S. Congress and 3612 S. Congress (existing use is on CO list).

This motion was approved on a 6-1 vote. Council Member Griffith voted nay.

Council Member Griffith made a substitute motion identical to the above list of properties but deleting Tract 3 2907 S. 1st Street. It failed due to a lack of a second.

BRIEFINGS

2. Briefing on economic indicators and budget forecast.

The presentation was made by Jesus Garza, City Manager; John Stephens, Director, Financial Services; and Rudy Garza, Budget Officer.

The meeting was recessed at 3:53 p.m.

Mayor Pro Tem Goodman called to order the Board of Director's meeting of the Austin Housing Finance Corporation at 3:53 p.m. See the separate minutes for this meeting.

The regular Council meeting was called back to order at 4:00 p.m.

BRIEFINGS CONTINUED

4. Staff Briefing on Urban Watershed protection issues related to downtown development.
The presentation was made by Joseph Pantalione, Assistant Director; Les Tull, Manager, Urban Water Quality Retrofit Program; and George Oswald, Manager, Flood and Erosion Program.
5. Briefing on Holly Power Plant issues
This item was postponed to December 13, 2001.

DISCUSSION ITEMS CONTINUED

12. Amend Ordinance No. 010910-02, the 2001-2002 Capital Budget by increasing appropriations to the Water and Wastewater Utility by \$260,000 and creating a new wastewater project known as "Riverside Meadows" for \$260,000. (Funding will be provided from the proceeds of debt issuance when the annual obligation comes due in future budget years. (Related Item Nos. 48 and 49)
Ordinance No. 011206-12 was approved on Mayor Pro Tem Goodman's motion, Council Member Wynn's second by a 7-0 vote.
48. Adopt a resolution authorizing negotiation and execution of a cost reimbursement agreement with Realtex Development Corporation, providing terms and conditions for construction of 8 and 24-inch gravity wastewater mains and appurtenances to provide wastewater service to the proposed Riverside Meadows, located at 1619 Montopolis Drive,

with City cost reimbursement in an amount not to exceed \$260,000.00, for actual "hard" construction; adopt an Ordinance waiving the requirement of Section 25-9-61, City Code, relating to facilities eligible for cost reimbursement; waiving the requirements of Section 25-9-67, City Code, relating to cost reimbursement payments, and waiving construction inspection fees for the 8 and 24-inch gravity wastewater mains in an amount not to exceed \$17,500. (Funding is included in the 2001-2002 Amended Capital Budget of the Water and Wastewater Utility, see related item. Based on conservative build-out of Riverside Meadows, the 30-Year Financial Analysis (included in the back-up material for this RCA) of this City investment projects a positive 30-year net present value.) (Related Item Nos. 12 and 49)

Resolution No. 011206-48A and Ordinance No. 011206-48B were approved on Mayor Pro Tem Goodman's motion, Council Member Wynn's second by a 7-0 vote.

49. Approve a resolution to declare official intent to reimburse construction costs in the amount of \$260,000 to be paid for developer reimbursements for the Riverside Meadows Wastewater project. (The amount of \$260,000 for the Water and Wastewater Utility to be funded by the issuance of commercial paper.) (Related Item Nos. 12 and 48)

Resolution No. 011206-49 was approved on Mayor Pro Tem Goodman's motion, Council Member Thomas' second by a 7-0 vote.

13. Approve a resolution authorizing giving official notice to Travis County Emergency Services Districts Number 3, 4, 5, 6, 9, 11, 12 and 14 and Williamson County Emergency Services District Number 2 of full purpose annexations by the City of Austin for 2001.

Resolution No. 011206-13 was approved on the consent agenda.

The motion to reconsider this item was approved on Council Member Griffith's motion, Council Member Wynn's second by a 7-0 vote.

Resolution No. 011206-13 excluding the Nowotny Tract was approved on Council Member Wynn's motion, Council Member Griffith's second by a 7-0 vote.

ZONING CONSENT

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Wynn's motion, Mayor Pro Tem Goodman's second by a 7-0 vote

Item Z-1 was pulled for discussion.

- Z-2. C14-01-0026 - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 10106 Giles Lane (Decker Creek Watershed) from DR, Development Reserve district zoning to LI, Limited Industrial Services district zoning for Tracts 1 and 3, and RR, Rural Residence district zoning for Tract 2. Planning Commission Recommendation: To grant LI-CO, Limited Industrial Services-Conditional Overlay Combining district zoning, with conditions for Tracts 1 and 3, and RR, Rural Residence district zoning on Tract 2. Applicant: Giles Holding, L.P. Agent: Associated Consulting Engineers. Agent: City Staff: Annick Beaudet, 974-2975. (continued from 8/23/01 and 9/27/01)

This item was postponed to February 7, 2002, at the applicant's request.

- Z-3. C14-01-0080 - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 7800 Block of San Felipe Boulevard (Rattan Creek Watershed) from CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning to MF-2, Multifamily Residence Low Density district, zoning. Planning Commission Recommendation: To grant MF-2, Multifamily Residence Low Density

district, zoning. Applicant: John Pieratt (Pieratt No, 1, LLC). Agent: Jim Bennett. City Staff: Sherri Gager, 499-3057. (continued from 9/27/01, 10/25/01, 11/1/01, and 11/8/01)
Ordinance No. 011206-Z3 was approved.

ZONING DISCUSSION

- Z-1. C814-00-2063 – Wildhorse PUD – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property located approximately 2000' south from the intersection of Blue Bluff and Old Highway 20 (Gilleland Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to PUD, Planned Unit Development district, zoning. Zoning and Platting Commission Recommendation: To grant PUD, Planned Unit Development district, zoning with conditions. Applicant: Wildhorse Holdings, Ltd. (Pete Dwyer). Agent: Armbrust Brown & Davis (David Armbrust) City Staff: Annick Beaudet, 974-2975.
The first reading of this ordinance was approved on Council Member Griffith's motion, Council Member Alvarez' second by a 6-1 vote. Council Member Wynn voted no.

DISCUSSION ITEMS CONTINUED

60. C14-01-0148 – Central East Austin Neighborhood Plan – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as the Central East Austin Neighborhood Plan bounded on the west by IH-35, on the north by Martin Luther King Jr. Blvd., on the east by Chicon St./ Northwestern Ave., and on the south by E. 7th Street (Waller and Boggy Creek Watersheds), To add a NP, Neighborhood Plan combining district (NPCD) to each base zoning district in the plan area; To permit the secondary apartment, urban home, and small lot amnesty special uses on any lot in the area; To permit the neighborhood mixed use building special use for Tracts 1-5, 7-11, 12a-e, 13-16, 17a-c, 18-34, 36-56, 57a-b, 58-60, 67, 68, 70-72, 85, 86, 96, 97, and 124-138; To permit neighborhood urban center special use for Tracts 11 and 130-138; To add a conditional overlay (CO) combining district for 70 tracts including, Tracts 1, 3, 7, 8, 18-21, 24-27, 29-32, 34, 37-53, 55, 56, 57a, 57b, 60-68, 70-72, 85, 86, 96, 97, and 124-138; The change the base zoning districts on 142 tracts of land: from SF-3, Family Residence district, SF-3-H, Family Residence-Historic district; SF-3-NCCD, Family Residence-Neighborhood Conservation Combining district; MF-3, Multifamily Residence-Medium Density district; MF-4, Multifamily Residence-Moderate High Density district; LO, Limited Office district; LO-H, Limited Office-Historic district; LO-NCCD, Limited Office-Neighborhood Conservation Combining district; GO, General Office district; GO-CO-H, General Office-Conditional Overlay- Historic district; LR, Neighborhood Commercial district; LR-NCCD, Neighborhood Commercial-Neighborhood Conservation Combining district; GR, Community Commercial district; GR-CO-MU, Community Commercial-Conditional Overlay-Mixed Use Combining district; GR-NCCD, Community Commercial-Neighborhood Conservation Combining district; GR-CO-MU-NCCD, Community Commercial-Conditional Overlay-Mixed Use-Neighborhood Conservation Combining district; CS, General Commercial Services district; CS-NCCD, General Commercial-Neighborhood Conservation Combining district; CS-CO-NCCD, General Commercial-Conditional Overlay-Neighborhood Conservation Combining district; CS-MU-NCCD, General Commercial-Mixed Use-Neighborhood Conservation Combining district; CS-1, Commercial-Liquor Sales district; CS-1-CO, Commercial-Liquor Sales-Conditional Overlay district; CS-1-NCCD, Commercial-Liquor Sales-Neighborhood Conservation Combining district; CS-1-H-NCCD, Commercial-Liquor Sales-Historic-Neighborhood Conservation Combining district; LI, Limited Industrial district; P, Public district; to SF-3-NP, Family Residence-Neighborhood Plan Combining district; SF-3-H-NP, Family Residence-Historic-Neighborhood Plan Combining district; SF-3-NCCD-NP, Family Residence-Neighborhood Conservation Neighborhood Plan Combining district; MF-2-NP,

Multi-family Residence-Low Density-Neighborhood Plan Combining district; MF-4-NP, Multi-family Residence-Moderate High Density- Neighborhood Plan Combining district; LO-MU-NP, Limited Office-Mixed Use-Neighborhood Plan Combining district; LO-MU-H-NP, Limited Office-Mixed Use-Historic-Neighborhood Plan Combining district; LO-NCCD-NP, Limited Office-Neighborhood Conservation Combining-Neighborhood Plan Combining district; GO-CO-NP, General Office-Conditional Overlay-Neighborhood Plan Combining district; GO-MU-NP, General Office-Mixed Use-Neighborhood Plan Combining district; GO-CO-MU-NP, General Office-Conditional Overlay-Mixed Use-Neighborhood Plan Combining district; GO-CO-MU-H-NP, General Office-Conditional Overlay-Mixed Use-Historic-Neighborhood Plan Combining district; LR-MU-NP, Neighborhood Commercial-Mixed Use-Neighborhood Plan Combining district; LR-NCCD-NP, Neighborhood Commercial-Neighborhood Conservation-Neighborhood Plan Combining district; GR-NCCD-NP, Community Commercial-Neighborhood Conservation-Neighborhood Plan Combining district; GR-CO-MU-NP, Community Commercial-Conditional Overlay-Mixed Use-Neighborhood Plan Combining district; GR-CO-MU-H-NP, Community Commercial-Conditional Overlay-Mixed Use-Historic-Neighborhood Plan Combining district; GR-CO-NCCD-NP, General Commercial-Conditional Overlay-Neighborhood Conservation-Neighborhood Plan Combining district; CS-CO-MU-NP, General Commercial-Conditional Overlay-Mixed Use-Neighborhood Plan Combining district; CS-NCCD-NP, General Commercial-Neighborhood Conservation-Neighborhood Plan Combining district; CS-CO-NCCD-NP, General Commercial-Conditional Overlay-Neighborhood Conservation-Neighborhood Plan Combining district; CS-MU-NCCD-NP, General Commercial-Mixed Use-Neighborhood Conservation-Neighborhood Plan Combining district; CS-1-CO-MU-NP, Commercial-Liquor Sales-Conditional Overlay-Mixed Use-Neighborhood Plan Combining district; CS-1-NCCD-NP, Commercial-Liquor Sales-Neighborhood Conservation-Neighborhood Plan Combining district; CS-1-H-NCCP-NP, Commercial-Liquor Sales-Historic-Neighborhood Conservation-Neighborhood Plan Combining district; LI-CO-NP, Limited Industrial Services-Conditional Overlay-Neighborhood Plan Combining district; P-H-NP, Public-Historic-Neighborhood Plan Combining district. Planning Commission Recommendation: To add a NP, Neighborhood Plan combining district (NPCD) to each base zoning district in the plan area; To permit the secondary apartment, urban home, and small lot amnesty special uses on any lot in the area; To permit the neighborhood mixed use building special use for Tracts 1-5, 7-11, 12a-e, 13-16, 17a-c, 18-34, 36-56, 57a-b, 58-60, 67, 68, 70-72, 85, 86, 96, 97, and 124-138; To permit neighborhood urban center special use for Tracts 11 and 130-138; To add a conditional overlay (CO) combining district for 70 tracts including, Tracts 1, 3, 7, 8, 18-21, 24-27, 29-32, 34, 37-53, 55, 56, 57a, 57b, 60-68, 70-72, 85, 86, 96, 97, and 124-138; To grant SF-3-NP, Family Residence-Neighborhood Plan Combining district; SF-3-H-NP, Family Residence-Historic-Neighborhood Plan Combining district; SF-3-NCCD-NP, Family Residence-Neighborhood Conservation Neighborhood Plan Combining district; MF-2-NP, Multi-family Residence-Low Density-Neighborhood Plan Combining district; MF-4-NP, Multi-family Residence-Moderate High Density- Neighborhood Plan Combining district; LO-MU-NP, Limited Office-Mixed Use-Neighborhood Plan Combining district; LO-MU-H-NP, Limited Office-Mixed Use-Historic-Neighborhood Plan Combining district; LO-NCCD-NP, Limited Office-Neighborhood Conservation Combining-Neighborhood Plan Combining district; GO-CO-NP, General Office-Conditional Overlay-Neighborhood Plan Combining district; GO-MU-NP, General Office-Mixed Use-Neighborhood Plan Combining district; GO-CO-MU-NP, General Office-Conditional Overlay-Mixed Use-Neighborhood Plan Combining district; GO-CO-MU-H-NP, General Office-Conditional Overlay-Mixed Use-Historic-Neighborhood Plan Combining district; LR-MU-NP, Neighborhood Commercial-Mixed Use-Neighborhood Plan Combining district; LR-NCCD-NP, Neighborhood Commercial-Neighborhood Conservation-Neighborhood Plan Combining district; GR-NCCD-NP, Community Commercial-Neighborhood Conservation-Neighborhood Plan Combining district; GR-CO-

MU-NP, Community Commercial-Conditional Overlay-Mixed Use-Neighborhood Plan Combining district; GR-CO-MU-H-NP, Community Commercial-Conditional Overlay-Mixed Use-Historic-Neighborhood Plan Combining district; GR-CO-NCCD-NP, General Commercial-Conditional Overlay-Neighborhood Conservation-Neighborhood Plan Combining district; CS-CO-MU-NP, General Commercial-Conditional Overlay-Mixed Use-Neighborhood Plan Combining district; CS-NCCD-NP, General Commercial-Neighborhood Conservation-Neighborhood Plan Combining district; CS-CO-NCCD-NP, General Commercial-Conditional Overlay-Neighborhood Conservation-Neighborhood Plan Combining district; CS-MU-NCCD-NP, General Commercial-Mixed Use-Neighborhood Conservation-Neighborhood Plan Combining district; CS-1-CO-MU-NP, Commercial-Liquor Sales-Conditional Overlay-Mixed Use-Neighborhood Plan Combining district; CS-1-NCCD-NP, Commercial-Liquor Sales-Neighborhood Conservation-Neighborhood Plan Combining district; CS-1-H-NCCP-NP, Commercial-Liquor Sales-Historic-Neighborhood Conservation-Neighborhood Plan Combining district; LI-CO-NP, Limited Industrial Services-Conditional Overlay-Neighborhood Plan Combining district; P-H-NP, Public-Historic-Neighborhood Plan Combining district. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Sue Hounsel, 974-6564; Sherri Gager, 974-3057.

The motion to close the public hearing was approved on Council Member Griffith's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.

The motion to reconsider closing the public hearing to allow for another speaker was approved on Council Member Slusher's motion, Council Member Griffith's 's second by a 7-0 vote.

The motion to close the public hearing and to pass the first reading of this ordinance was approved on Council Member Alvarez' motion, Council Member Thomas' second by a 7-0 vote.

The meeting was recessed at 5:29 p.m.

Mayor Garcia called the meeting back to order at 6:28 p.m.

DISCUSSION ITEMS CONTINUED

61. Consider and possible action to approve on second and third readings an Ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the Central East Austin Neighborhood Plan for the area bounded by Martin Luther King (MLK) Boulevard, Interstate 35, Seventh Street, and Chicon/Northwestern. (There is no fiscal impact associated with adopting the plan. A partial estimate of the fiscal impact to implement all of the recommendations in the plan is \$1,789,800. This plan is advisory and does not legally obligate the Council to implement any particular recommendation.)

Ordinance 011206-61 was approved on Mayor Pro Tem Goodman's motion, Council Member Wynn's second on a 7-0 vote. Council Member Alvarez made a friendly amendment to change the zoning on the "Webberville triangle" by removing the neighborhood urban designation and by making the restrictive covenants on Tracts 130 through 138 compatible to Tract 126 to 129. However, Council Member Alvarez withdrew his friendly amendment.

The motion to reconsider this item was approved on Council Member Alvarez' motion, Mayor Garcia's second by a 5-0 vote. Council Members Griffith and Thomas were off the dais.

The second reading of this ordinance was approved on Council Member Alvarez'

motion, Council Member Wynn's second by a 6-0 vote. Council Member Thomas was off the dais.

63. Conduct a public hearing and consider an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the Holly Neighborhood Plan for the area bounded by 7th Street to the north, Chicon Street to the west, Pleasant Valley to the east and Town Lake to the South. (This plan is advisory and does not legally obligate the Council to implement any particular recommendation.)

The public hearing was closed on Council Member Griffith's motion, Council Member Wynn's second by a 5-0 vote. Mayor Pro Tem Goodman and Council Member Thomas were off the dais.

The first reading of this ordinance as amended was approved on Council Member Alvarez' motion, Council Member Slusher's second on a 6-0 vote. Council Member Thomas was off the dais. Council Member Alvarez' amendment was to add the following wording: "Projects within the boundaries of the Holly Neighborhood Plan area that receive development incentives from the City must either (1) comply with the SMART housing requirements or the Neighborhood Commercial Management Program requirements or (2) contribute to a neighborhood community development program developed by the Neighborhood Housing and Community Development Office with public input. Projects within the boundaries of the Holly Neighborhood Plan Area that receive development incentives from the City must comply with the Holly Neighborhood Plan Design Guidelines."

62. C14-01-0166 – Holly Neighborhood Plan – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as the Holly Neighborhood Plan bounded on the west by Chicon Street, on the north by 7th Street, on the east by Pleasant Valley Road, and on the south by Town Lake (Town Lake, Boggy and Colorado River Watersheds), To add a NP, Neighborhood Plan combining district (NPCD) to each base zoning district in the plan area; To permit a secondary apartment, and small lot amnesty special uses as permitted uses on any residential lot in the area; To permit neighborhood mixed use building special use for Tracts 1-14, 16, 22, 24, 25, 28, 33, 39, 40, 42-47, 49-55, 57, 59, 61-63, and 73; To add a conditional overlay (CO) for 70 tracts including Tracts 1-14, 16-25, 27-63, 71 and 73. The change the base zoning districts on 73 tracts of land: from: SF-3, Family Residence district, MF-3, Multi-family Residence-Medium Density- district, LR, Neighborhood Commercial district, GR, Community Commercial district, LO, Limited Office district, CS, General Commercial Service district, CS-1, Commercial-Liquor Sales district, and LI, Limited Industrial Services district, to: SF-3-NP, Family Residence-Neighborhood Plan Combining district, MF-2-NP, Multi-family Residence-Low Density-Neighborhood Plan Combining district; MF-3-NP, Multifamily Residence Medium Density-Neighborhood Plan Combining district; LO-CO-MU-NP, Limited Office-Conditional Overlay-Mixed Use-Neighborhood Plan Combining district; GO-CO-MU-NP, General Office-Conditional Overlay-Mixed Use-Neighborhood Plan Combining district; LR-CO-MU-NP, Neighborhood Commercial-Conditional Overlay-Mixed Use-Neighborhood Plan Combining district; GR-CO-MU-NP, Community Commercial-Conditional Overlay-Mixed Use-Neighborhood Plan Combining district, CS-CO-MU-NP, General Commercial-Conditional Overlay-Mixed Use-Neighborhood Plan Combining district; CS-1-CO-MU-NP, Commercial-Liquor Sales-Conditional Overlay-Mixed Use-Neighborhood Plan Combining district; LI-CO-NP, Limited Industrial Services-Conditional Overlay-Neighborhood Plan Combining district; P-NP, Public-Neighborhood Plan Combining district. Planning Commission Recommendation: This case will be considered by the Commission on November 27, 2001. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Mario Jesus Flores, 974-2413 and Wendy Walsh, 974-7719.

The public hearing was closed on Council Member Griffith's motion, Council Member Wynn's second by a 5-0 vote. Mayor Pro Tem Goodman and Council Member Thomas were off the dais.

The first reading of this ordinance, as amended, was approved on Council Member Alvarez' motion, Council Member Griffith's second by a 6-0 vote. Council Member Thomas was off the dais. Council Member Alvarez's amendment was to add the following wording, "The City Council finds that it is appropriate for property in the Holly Neighborhood Plan Area retaining a limited industrial service (LI) district designation after the plan area receives a neighborhood plan (NP) combining district designation be subject to the requirements of the East Austin Overlay and instructs the City Manager to present to the City Council a proposed conditional overlay that will establish those requirements. If requested by a property owner before February 7, 2002, the City Manager is instructed to initiate a zoning case for property in the Holly Neighborhood Plan Area if: (1) the property is a townhouse and condominium residence (SF-6) district or less restrictive zoning districts, (2) the property contains a use permitted in an urban family residence (SF-5) district or more restrictive zoning districts, and (3) the requested zoning district is an urban family (SF-5) district or more restrictive district. On the tracts south of the railroad tracts, which are tracts 21 through 73, structures or portion of the structures constructed will have a height limitation of 40 feet above ground level, and townhouse residential use is prohibited."

64. Conduct a public hearing to consider an ordinance amending Chapter 25-10 of the City Code relating to nonconforming sign regulations, and to appeals of administrative decisions regarding signs. (The amount of \$5,775 in revenue for collection of notification fees.)
The public hearing was closed on Council Member Slusher's motion, Council Member Griffith's second by a 6-0 vote. Council Member Thomas was off the dais.
65. Consider and possible action to adopt an ordinance amending Chapter 25-10 of the City Code relating to nonconforming sign regulations, and to appeals of administrative decisions regarding signs. (The amount of \$5,775 in revenue for collection of notification fees.)
First reading accepting staff recommendation and giving the City Manager direction was approved on Council Member Griffith's motion, Goodman's second by a 5-0 vote. Council Member Wynn voted nay. Council Thomas was off the dais. The City Manager was directed to review all ideas proposed to date and prepare recommendations addressing the issues raised. Council Member Alvarez made a friendly amendment that the final ordinance included a provision so if a sign is removed as a part of a development process, it can not be relocated somewhere else and that the notice provision be limited to seven days. These were accepted by the maker of the motion and Mayor Pro Tem Goodman who seconded the motion.

Council Member Wynn proposed a friendly amendment that the one to one replacement policy be removed from the ordinance. This was not accepted as a friendly amendment by the maker of the motion.

The meeting was recessed at 8:36 p.m. to go into Executive Session.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

66. Discuss legal issue related to proposed amendments to the settlement agreement dated January 8, 2001 between Lumberman's Investment Corporation and the City of Austin.

Executive session ended at 9:35 p.m.

Mayor Garcia called the meeting back to order at 9:35 p.m.

The motion to adjourn the meeting at 9:35 p.m. was approved on Council Member Slusher's motion, Council Member Griffith's second by a 5-0 vote. Council Members Alvarez and Thomas were off the dais.

The minutes from the Oath of Office on November 9, 2001 and the regular meeting of December 6, 2001 were approved on Council Member Griffith's motion, Council Member Slusher's second by a 5-0 vote. Mayor Pro Tem Goodman and Council Member Thomas were off the dais